

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Abingdon Division

JOHN DOE, an infant, by his next friend)	
Reelia Watson,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 1:16-cv-00045
)	
RUSSELL COUNTY SCHOOL BOARD, ET AL.,)	
)	
Defendants.)	

DEFENDANT'S SIXTH MOTION IN LIMINE

For its motion in limine, Defendant Russell County School Board (the "School Board"), states as follows:

1. The Plaintiff through his briefs has referred to alleged violations of the School Board's policies and procedures.
2. The Court should not allow evidence of any violations of policies and procedures. Such evidence is irrelevant and ought not be admitted. *See Abney v. Coe*, 493 F.3d 412, 419 (4th Cir. 2007) (citing *Davis v. Scherer*, 468 U.S. 183, 193-96, 104 S. Ct. 3012, 82 L. Ed. 2d 139 (1984), and *Scott v. Harris*, 550 U.S. 372, 127 S. Ct. 1769, 167 L. Ed. 2d 686 (2007)). For example, the Plaintiff refers to defendant Bobby Gobble transporting the Plaintiff as a violation of the School Board's policies and procedures. It is undisputed that the Plaintiff's legal guardians were aware of and approved of Gobble transporting the Plaintiff. Therefore, any such alleged violations are irrelative and have no probative value to the Plaintiff's claims.
3. Rule 403 empowers this Court to exclude relevant evidence "if its probative value is substantially outweighed by danger of...confusing the issues [or] misleading the jury." The

prejudice of offering such evidence greatly outweighs its probative value and should be excluded.

RUSSELL COUNTY SCHOOL BOARD

By: /s/ Christopher S. Dadak
Jim H. Guynn, Jr. (VSB No. 22299)
Christopher S. Dadak (VSB No. 83789)
GUYNN & WADDELL, P.C.
415 S. College Avenue
Salem, Virginia 24153
Phone: 540-387-2320
Fax: 540-389-2350
Email: jimg@guynnwaddell.com
christopherd@guynnwaddell.com
Counsel for Russell County School Board

CERTIFICATE OF SERVICE

I do hereby certify that on this 19th day of February, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record.

By: /s/ Christopher S. Dadak
Jim H. Guynn, Jr. (VSB No. 22299)
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Salem, Virginia 24153
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Email: jimg@guynnwaddell.com
christopherd@guynnwaddell.com
Counsel for Russell County School Board